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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,742	06/22/2001	Paul W. Watt	JJM-575	7733

27777 7590 09/22/2003
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EXAMINER

VARGOT, MATHIEU D

ART UNIT PAPER NUMBER

1732

DATE MAILED: 09/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/887,742

Applicant(s)

WATT

Examiner

M VARGOT

Group Art Unit

1732

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 4/3/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 26-41 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 26 + 27 is/are rejected.
- ☒ Claim(s) 28-41 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. Claims 28-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cioca

(col. 2, lines 23-51; col. 4, lines 16-34) in view of Artandi (col. 3, lines 64-67).

Cioca discloses the basic claimed process of making biopolymer sponges by placing an aqueous dispersion of a biopolymer (collagen) into a tray (ie, mold), freezing the dispersion on the tray, and (freeze)- drying the frozen dispersion on the tray. Essentially, the primary reference lacks a clear showing of heating the tray to remove the frozen dispersion therefrom before it is freeze-dried. It is first of all submitted to have been obvious to one of ordinary skill in the art that the removal of a frozen dispersion from a tray or mold would require some kind of warming operation to reduce the adhesion of the dispersion and the mold. Hence, should one find it desirable to remove the frozen dispersions in Cioca, it would have been obvious to have warmed the tray or the frozen dispersion to some extent. At any rate, Artandi shows the formation of frozen collagen dispersions in stainless steel forms which are frozen and the frozen blocks removed from the containers and subsequently processed (water extraction) prior to drying.

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Clearly, Artandi shows removing the frozen blocks from the steel forms or molds, and it would appear that such occurs to maximize the surface area of the block available for subsequent treatment. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the method of the primary reference as taught by Artandi to make more of the surface of the molded frozen collagen available for subsequent drying. Artandi (col. 2, line 17) teaches tubular molds as set forth in instant claim 27 as such is seen to have been an obvious modification to the tray of the primary reference dependent on the final shape of the sponge.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Li and Japanese 5-92925 are cited as of interest in disclosing methods of making collagen or chitin sponges.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Vargot whose telephone number is 703 308-2621.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

M. Vargot

September 15, 2003

M. Vargot
MATHIEU D. VARGOT
PRIMARY EXAMINER
GROUP 1300

9/15/03